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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NATHANIEL J. TERRELL
1014 E. Dorset Street
Philadelphia, PA 19150

Plaintiff

vs.

NATIONAL RECOVERY AGENCY INC.
4201 Crums Mill Road
Harrisburg, PA 17112-2893

Defendant

CIVIL ACTION

NO.

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 (“FDCPA”) which prohibits collectors from engaging in deceptive and unfair practices. Defendant has sent plaintiff a collection notice which is false and misleading in violation of 15 U.S.C. §1692e.

2. Declaratory relief is available pursuant to 28 U.S.C. §2201 and §2202.

II. JURISDICTION

3. Jurisdiction arises under 15 U.S.C. §1692k and 28 U.S.C. §1337.

III. PARTIES

4. Plaintiff is Nathaniel J. Terrell, a consumer who resides in Philadelphia, Pennsylvania at the address captioned.

5. Defendant, National Recovery Agency Inc. (“National”) is a collection agency incorporated under the laws of the Commonwealth of Pennsylvania, with an office for the regular transaction of business located in Harrisburg, Pennsylvania, as captioned.

6. Defendant National regularly uses the mails and telephone to attempt to collect consumer debts alleged to be due another. National is a “debt collector” as that term is contemplated in the FDCPA, 15 U.S.C. §1692a(6).

IV. STATEMENT OF CLAIM

7. On January 5, 2004, National, in an attempt to collect a consumer debt, sent the plaintiff a communication with regard to the collection of a debt that was allegedly owed to “PA State Employees Cr Un”. (*See* correspondence from National attached hereto as Exhibit “A,” redacted per local rule).

8. The letter attached as Exhibit “A” states that if the alleged debt remains unpaid, the matter may be reported to the credit bureaus [sic] and “‘unpaid account’ information will be available to the business community.” (emphasis added) This is false and misleading. The content of a consumer file with a credit reporting agency is not “available to the business community.” It is only available to the consumer to whom it relates and to restricted users with specific statutorily enumerated permissible purposes. *See* 15 U.S.C. §1681b (Fair Credit Reporting Act).

9. The above reference renders the notice false, misleading and confusing.

10. The false statement was designed to intimidate and mislead the consumer.

COUNT I - FAIR DEBT COLLECTION PRACTICES ACT

11. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

12. The acts by National described above violate the FDCPA by sending false or misleading communications in violation of §§1692e, 1692e(4), and 1692e(5).

WHEREFORE, plaintiff Nathaniel J. Terrell demands judgment against defendant National Recovery Agency Inc., for:

- (a) Damages;
- (b) Attorney's fees and costs;
- (c) A declaration that the conduct complained of violates the provisions of the FDCPA.
- (d) Such other and further relief as the Court shall deem just and proper.

V. DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted:

Date: May ___, 2004

CARY L. FLITTER
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